

1 Paul Q. Goyette (SBN 137250)
 2 Janelle F. Crandell (SBN 224994)
3 GOYETTE, RUANO & THOMPSON, INC.
4 A Professional Law Corporation
 5 2366 Gold Meadow Way, Suite 200
 6 Gold River, CA 95670
 Ph: (916) 851-1900
 Fax: (916) 851-1995
 Email: Paul@grtlaw.com

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 6 Attorneys for Defendant,
 MORTEZA AMIRI

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 8 **UNITED STATES DISTRICT COURT**
 9 **NORTHERN DISTRICT OF CALIFORNIA**

10
 11 UNITED STATES OF AMERICA,
 12 Plaintiff,
 13 v.
 14 MORTEZA AMIRI,
 15 Defendant.

16 CASE NO. 4:23-cr-00269-JSW

17 **DEFENDANT MORTEZA AMIRI'S
 18 OPPOSITION TO IMMEDIATE REMAND**

19
 20 **I. BACKGROUND**

21 On March 14, 2025, Defendant MORTEZA AMIRI was convicted of Count 2, violating 18
 22 U.S.C. § 242, deprivation of rights under color of law resulting in bodily injury or involving the
 23 attempted, actual, or threatened use of a dangerous weapon, and Count 5, violating 18 U.S.C. § 1519,
 24 for knowingly altering, destroying, mutilating, concealing, covering up, falsifying, or making a false
 25 entry in any record, document, or tangible object. On all remaining Counts, Mr. Amiri was found not
 26 guilty. Following the jury's verdict, the Court considered Mr. Amiri's immediate remand and
 27 directed the parties to submit briefs outlining their positions. Mr. Amiri is scheduled to be sentenced
 28 on June 3, 2025.

1 II. LEGAL STANDARD

2 Under the Mandatory Detention Act of 1990, 18 U.S.C.S. § 3141 et seq., violent offenders, as
3 well as those convicted of drug offenses with a maximum sentence of at least 10 years in prison and
4 those convicted of any offense with a maximum sentence of life imprisonment or death, are not
5 eligible for release simply because they meet the requirements. 18 U.S.C.S. § 3143(b)(2). As to such
6 offenders, Congress has imposed an additional condition: Persons subject to the 1990 Act are not
7 eligible for release unless it is clearly shown that there are exceptional reasons why their detention
8 would not be appropriate. 18 U.S.C.S. § 3145(c). *United States v. Garcia*, 340 F.3d 1013, 1015 (9th
9 Cir. 2003).

10 One exceptional circumstance that might justify release under 18 U.S.C.S. § 3145(c) would be
11 that a defendant's criminal conduct was aberrational. A defendant with no prior history of violence
12 may have acted violently, but uncharacteristically, in reaction to an unusually provocative
13 circumstance. Such a defendant may be guilty of a violent crime and yet may not be the type of
14 violent person for whom Congress intended the mandatory detention rule. Moreover, if the district
15 court finds that the defendant led an exemplary life prior to his offense and would be likely to
16 continue to contribute to society significantly if allowed to remain free on bail, these factors would
17 militate in favor of finding exceptional reasons. *Id* at 1019.

18 In addition, a district court might consider under 18 U.S.C.S. § 3145(c) circumstances
19 that would render the hardships of prison unusually harsh for a particular defendant. Chief among
20 such circumstances is a sufficiently serious illness or injury. Although a defendant may ultimately be
21 forced to serve a prison sentence regardless of his health, it may be unreasonable to force him to
22 begin his sentence prior to the resolution of his appeal. Nor is foreclosed the possibility of finding
23 exceptional circumstances in a case in which incarceration would impose exceptional risks on a
24 defendant involving his physical or mental well-being -- risks that might arise as a result of the
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1 nature of his crime or even as a result of his possessing certain physical, psychological, or other
2 characteristics. *Id* at 1019-20.

3 Furthermore, a district court may consider whether because of particular circumstances a
4 defendant is exceptionally unlikely to flee or to constitute a danger to the community if he is
5 permitted to remain free pending his appeal. A wholly incapacitated defendant, for example, might
6 be entirely unable either to act violently or to abscond. Notably, the absence of any possible future
7 dangerousness or flight is most likely to be present in cases in which other mitigating factors, such as
8 a sufficiently serious illness or injury, also exist. In such cases, a district judge, after examining all
9 the circumstances may well find cause to conclude that it would be unreasonable for the defendant to
10 be incarcerated pending appeal. *Id* at 1021.

12 III. ARGUMENT

13 a. **Mr. Amiri has no prior history of violence and any criminal conduct was** 14 **aberrational.**

15 Mr. Amiri's criminal conduct in this case should be viewed as aberrational and an
16 uncharacteristic deviation from an otherwise exemplary life. The law recognizes that a defendant
17 with no prior history of violence may, in rare and extreme circumstances, engage in violent behavior
18 in response to an unusually provocative situation. Such behavior, while criminal, does not inherently
19 transform the defendant into the kind of violent offender for whom Congress intended the mandatory
20 detention rule to apply. Mr. Amiri has led an exemplary life before the offense and has maintained a
21 spotless criminal record demonstrating a longstanding commitment to his family, career, and
22 community. He will continue to contribute positively to society if released which presents
23 "exceptional reasons" that weigh against mandatory detention.

25 Furthermore, Mr. Amiri was a police officer with a K-9 partner at the time of the incident. The
26 conduct in question occurred while Mr. Amiri was actively detaining and arresting a suspect in the
27 line of duty — a high-stress, fast-evolving situation that required rapid decision-making under
28 intense pressure. This context underscores the aberrational nature of the event and highlights that Mr.

1 Amiri's actions were not borne out of malice or criminal intent, but rather an extraordinary and
2 provocative set of circumstances inherent to law enforcement work. Moreover, the circumstances
3 surrounding the offense were highly unusual and emotionally charged, which is the type of
4 provocation that could cause even a reasonable, non-violent person to react uncharacteristically. This
5 underscores that Mr. Amiri is not an ongoing danger to the community, nor the type of offender
6 Congress sought to detain mandatorily.

7

8 **b. Immediate remand would impose exceptional risks on Mr. Amiri's physical**
safety and mental well-being.

9 Mr. Amiri's unique and compelling circumstances warrant careful consideration for release
10 pending sentencing. This case has drawn significant media attention, resulting in a highly publicized
11 trial that further elevates the risks associated with his immediate remand. Mr. Amiri's extensive
12 background in law enforcement, particularly his service in specialized units such as the gang unit,
13 auto-theft task force, an assignment with the Bureau of Alcohol, Tobacco, Firearms and Explosives
14 (ATF), and canine patrol underscores the extraordinary nature of his situation. Throughout his career,
15 he has arrested hundreds of violent and dangerous individuals, many of whom are likely detained
16 within the local correctional facilities where he would be held pre-sentencing. The probability that
17 these individuals recognize Mr. Amiri is substantial, and the potential for targeted retribution or
18 harassment poses an exceptional and credible threat to his physical safety and mental well-being.

19 The risk is further magnified by the notoriety surrounding Mr. Amiri's trial. Media coverage
20 has heightened public awareness, increasing the likelihood that detainees and even staff within the
21 facility may view him as a high-profile target. Such an environment is inherently volatile and creates
22 a severe departure from the ordinary risks faced by other detainees. Moreover, Mr. Amiri's
23 psychological well-being must be taken into account. The persistent threat of violence, coupled with
24 the isolating reality of protective custody or administrative segregation, which is a likely outcome
25 given his background, can inflict profound psychological distress. These conditions would subject

1 Mr. Amiri to a form of punishment before sentencing, which runs counter to the principles of justice
2 and due process.

3 For these reasons, Mr. Amiri's case presents exceptional circumstances that warrant his release
4 pending sentencing. The confluence of his law enforcement history, the substantial risk of retaliation,
5 and the intensified media exposure collectively amount to an "exceptional risk" that justifies an
6 alternative to immediate incarceration.

7 **c. Mr. Amiri presents an exceptionally low flight risk, supported by
8 compelling personal, financial, and community ties.**

9 Under established legal precedent, a district court may consider whether, because of particular
10 circumstances, a defendant is exceptionally unlikely to flee or to constitute a danger to the
11 community if permitted to remain free pending sentencing. A wholly incapacitated defendant, for
12 example, might be entirely unable either to act violently or to abscond. The absence of any possible
13 future dangerousness or flight is most likely to be present in cases where other mitigating factors,
14 such as a sufficiently serious illness or injury, also exist.

16 In Mr. Amiri's case, while not physically incapacitated, his unique situation marked by his
17 strong ties to the community reinforce his lack of flight risk. He resides locally with his family, and
18 his deep-rooted connections were evidenced by the significant presence of family and friends in the
19 courtroom throughout his trial. He also owns and operates his own business, with employees who
20 rely on him for their livelihoods. Mr. Amiri's consistent appearances before the court while out of
21 custody since 2023 further demonstrate his reliability and commitment to the judicial process.

23 Additionally, Mr. Amiri's flight risk is significantly minimized by his personal and financial
24 circumstances. His passport is currently held by pre-trial services, and his home is secured by a
25 \$100,000 bond which remains as clear indicators of his intent to remain present and engaged with the
26 court proceedings. Beyond these measures, his family's situation further solidifies his commitment to
27 stay. His wife was diagnosed with Postural Orthostatic Tachycardia Syndrome (POTS) following the
28 FBI raids on their residence. She requires heart medication and cannot work full-time, leaving her

1 primarily at home to care for their two children. Furthermore, their son is in the early stages of being
2 diagnosed with attention deficit hyperactivity disorder (ADHD), and the family is actively setting up
3 a treatment plan. While these are not Mr. Amiri's own medical conditions, he serves as the primary
4 provider and caregiver for his family. Mr. Amiri's active involvement and essential role in their well-
5 being create an overwhelming personal and moral obligation to remain with his family and attend to
6 their needs. The profound dependence of Mr. Amiri's family, both emotionally and financially,
7 makes the notion of flight implausible.
8

9 **IV. CONCLUSION**

10 Mr. Amiri's aberrational conduct, coupled with his otherwise exemplary life, service as a police
11 officer, strong community ties, and the serious safety risks posed by incarceration in a local facility
12 prior to sentencing, constitutes "exceptional reasons" justifying release under 18 U.S.C. § 3145(c).
13 For these foregoing reasons, Mr. Amiri respectfully requests the Court deny an immediate remand
14 prior to sentencing.
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17 Dated: March 17, 2025

Respectfully Submitted,

18 **GOYETTE, RUANO & THOMPSON, INC.**
19 **A Professional Corporation**

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21 By: _____
22 JANELLE F. CRANDELL
23 Attorney for Defendant,
24 MORTEZA AMIRI
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